5809380/2022/TW-LTR-SOW01

GOVERNMENTOFANDHRAPRADESH
ABSTRACT

TRIBAL WELFARE DEPARTMENT - LTR - West Godavari District - Revision Petition filed by Smt. Kanithi Sarojini W/o K. Gangadhar Rao against the orders of the Agent to the Government cum District Collector, West Godavari District, Eluru in A.S. No.1/2018/F2, dt.03.11.2018 to the land adm. Ac.3.80 Cts in R.S.No.284, Ac. 0.71 Cts in R.S. No. 256, Ac. 1.60 Cts in R.S.No. 329/5C and Ac. 0.60 Cts in R.S.No. 274 total an extent of 6.71 Cts of Koyarajamundry (V), Buttaigudem (M), West Godavari District – Dismissed – Orders – Issued.

SOCIALWELFARE (TW.LTR.I) DEPARTMENT

G.O.MS.No. 27 **Dated:25.04.2022**
Read the following:-

1. O.S.No.3/2018 orders issued by Special Deputy Collector, Jangareddigudem dt.13.07.2018 on the petition filed by Sri Nakka Venkata Durga Rao S/o Subbarao, Koya Rajahmundry Village, Buttayigudem Mandal and (1) other.
2. A.S.No.1/2018/F2 orders issued by the District Collector, West Godavari/Agent to Government, West Godavari dt.3.11.2018 appeal filed by Smt. Kanithi Sarojini W/o K. Gangadhar Rao.
3. Revision Petition dt.09.08.2019 filed by Smt. Kanithi Sarojini W/o K. Gangadhar Rao, Sithappagudem Village, Buttaigudem (M), West Godavari District dt.09.08.2019.
4. Govt.Letter.No.SOW01-TWOLTR(RPWG)/8/2019, dt.09.09.2020.
5. From Special Deputy Collector (TW), K.R.Puram, West Godavari District, Dt:26.11.2020.
6. Govt. Letter No.SOW01-TWOLTR(RPWG)/8/2019, dt.16.11.2020, 09.07.2021.

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ORDER:

In the reference 1st read above, Sri Nakka Venkata Durga Rao S/o Subbarao, Koya Rajahmundry Village, Buttayigudem Mandal, West Godavari and (1) one other has filed a suit before the Special Deputy Collector cum Special Agent to Govt., Jangareddigudem, West Godavari against the defendants, Smt. Kanithi Sarojini W/o K. Gangadhar Rao and (1) one other to grant permanent injunction for restraining the Defendants and his men from interfering with the plaintiff's possession and enjoyment of the plaint schedule property.

(P.T.O)

2. Based on the said petition, Special Deputy Collector cum Special Agent to Govt., Jangareddigudem, West Godavari, has ordered that, the petition schedule land is partitioned among family members of deceased Nakka Subbarao (i.e) his wife, 2 sons and 3 daughters into equal shares and as the schedule property is not self acquired properties of Sri Nakka Subbarao. The partition should be completed within a month from the date of the order. The fact of partition should be informed to the court along with partitioned deed. The Police protection issued in Roc No. E-1069009/2017/C Dt.19.11.2017 of said land to Kanithi Sarojini W/o Gangadhar Rao is withdrawn in the reference 1st read above.

3. Against the above said orders of Special Agent to Govt., Jangareddigudem, West Godavari, Smt. Kanithi Sarojini W/o K. Gangadhar Rao has filed an appeal before the Agent to Govt. cum District Collector, West Godavari. Accordingly, after verification of the records and available material, the Agent to Government-Cum-District Collector, West Godavari District, Eluru has opined that the order of Special Agent to Govt., Jangareddigudem is in accordance with the law and not to inclined to interfere with the order of the lower court. In the result, the order is passed for the partition of the scheduled mentioned property into 6 equal shares among the legal heirs of deceased Sri Nakka Subba Rao i.e. his wife, 2 sons and 3 daughters and put them into their respective share of their property in reference 2nd read above.

4. Aggrieved by the above orders, Smt. Kanithi Sarojini W/o. K. Gangadhar Rao filed a Revision Petition before the Government with a request to declare the orders in A.S.No.1/2018/F2 Dt.03.11.2018 of the Agent to Govt. cum District Collector in confirming the orders of the Special Agent to Govt/RDO, Jangareddigudem in O.S.No.3/2018 Dt.13.7.2018 as illegal, contrary to the regulations and consequentially set aside and pass such other order or orders as the Hon'ble State Govt. may deem fit and proper in the circumstances of the case in reference 3rd read above.

5. While admitting the Revision Petition filed by Smt. Kanithi Sarojini W/o K. Gangadhar Rao, Sithappagudem (V), Buttaigudem (M), West Godavari District, Government have called for para-wise remarks along with the connected case records from the Project Officer, ITDA, K.R Puram, West Godavari District in reference 4th read above. Accordingly, the Special Deputy Collector (TW), K.R.Puram, West Godavari District, has furnished the para-wise remarks along with the connected case records on 26.11.2020 in reference 5th read above.

6. In the reference 6th read above, the petitioner and defendants were called for the hearing along with written arguments and records. The Special Deputy Tahsildar (TW), K.R.Puram, West Godavari District and petitioner and defendants have attended the hearings conducted by the Appellate Authority on 21.09.2020, 28.11.2020 and finally heard on 24.07.2021. In this regard the Appellate Authority stated that:

a. During the course of hearing of the case that the Revision petitioner submitted her arguments as per grounds in revision petition and on verification of documents and the grounds of revision and para-wise remarks as well as the other documents and the material available on the record it is noticed that the revision petitioner contention is that defendants filed a original suit for permanent injunction and the lower primary authority inadvertently ordered portioned of the scheduled property among family numbers and on an appeal filed by her that the lower appellate authority confirmed the order of primary authority.

b. It is observed that as seen from the record that the revision petitioner failed to produce any valid document in support of her case and failed to prove her case that he is having exclusive possession over the property.

7. After careful examination of the Government, that taking consideration of the material available on the record that it can be concluded that the lower primary authority and lower appellant authority passed the orders as per law which does not deserve any interference and accordingly, the same is hereby upheld and the appeal petition is hereby dismissed.

8. The Collector & District Magistrate, West Godavari District, Eluru is requested to take necessary action in the matter accordingly and acknowledge the receipt of the case records, which are returned herewith.

9. This order shall be published in apegazette.cgg.gov.in

(BY ORDER AND IN THE NAME OF THE GOVERNOR OR ANDHRA PRADESH)

KANTILAL DANDE
SECRETARY TO GOVERNMENT (TW)

To
The Agent to Govt. cum Collector & District Magistrate, West Godavari District, Eluru.

The Additional Agent to Govt. cum Project Officer, ITDA, K.R.Puram, West Godavari District.

The Special Deputy Collector (TW), Polavaram, West Godavari District.

Sri B.Chandra Sekhar, Advocate, Flat No.24, Padmaja Nagar, Tadigadapa, Vijayawada, Krishna District.

Smt. Kanithi Sarojini W/o K. Gangadhar Rao, Sithappagudem (V), Buttaigudem (M), West Godavari District.

Sri Nakka Venkata Durag Rao S/o Subba Rao R/o Koya Rajhmundry Village, Buttaigudem (M), West Godavari District.

Sri Nakka Venkataswara S/o Subba Rao, R/o Koya Rajahmundry Village, Buttaigudem (M), West Godavari District.

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The Commissioner of Printing, Govt. of A.P at Govt. Regional Press, Vijayawada.

//FORWARDED : : BY ORDER//

A. Nara Srinivasa Rao

SECTION OFFICER